

108TH CONGRESS  
2D SESSION

# S. RES. 410

To authorize Senate employees to testify and produce documents with legal representation.

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IN THE SENATE OF THE UNITED STATES

JULY 20, 2004

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution;  
which was considered and agreed to

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## RESOLUTION

To authorize Senate employees to testify and produce  
documents with legal representation.

Whereas the Department of Justice is requesting testimony  
in connection with a pending investigation into potential  
false statements to a committee of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the  
Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a)  
and 288c(a)(2), the Senate may direct its counsel to rep-  
resent employees of the Senate with respect to any sub-  
poena, order, or request for testimony relating to their  
official responsibilities;

Whereas, by the privileges of the Senate of the United States  
and rule XI of the Standing Rules of the Senate, no evi-  
dence under the control or in the possession of the Sen-  
ate may, by the judicial or administrative process, be

taken from such control or possession but by permission of the senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

1       *Resolved*, That present and former employees of the  
2 Senate are authorized to testify and to produce documents,  
3       except as to matters for which a privilege should  
4 be asserted, in connection with the pending investigation  
5 into potential false statements to a committee of the Senate,  
6       and any related proceedings.

7       SEC. 2. The Senate Legal Counsel is authorized to  
8 represent present and former employees of the Senate in  
9 connection with the testimony authorized in section one  
10 of this resolution.

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